

**Affidavit of Process Server**

United States District Court- New York SD

(NAME OF COURT)

Findthebest.com, Inc. vs Lumen View Technology LLC, et al 13CV6521

PLAINTIFF/PETITIONER

DEFENDANT/RESPONDENT

CASE NUMBER

I John Garber, being first duly sworn, depose and say: that I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to perform said service.

Service: I served Lumen View Technolgy, LLC

NAME OF PERSON / ENTITY BEING SERVED

with (list documents) Summons in a Civil Action; See attached proof of service of Summons for list

by leaving with Darsey Bernabe person in charge At

NAME

RELATIONSHIP

☐ Residence

ADDRESS

CITY / STATE

☒ Business 113 Barksdale Pro. CenterNewark/DE 19711

ADDRESS

CITY / STATE

On Sept. 24, 2013 AT 1:13pm

DATE

TIME

☐ Inquired if subject was a member of the U.S. Military and was informed they are not.

Thereafter copies of the documents were mailed by prepaid, first class mail on \_\_\_\_\_

DATE

from \_\_\_\_\_

CITY

STATE

ZIP

**Manner of Service:**☒ **Personal:** By personally delivering copies to the person being served.☐ **Substituted at Residence:** By leaving copies at the dwelling house or usual place of abode of the person being served with a member of the household over the age of \_\_\_\_\_ and explaining the general nature of the papers.☐ **Substituted at Business:** By leaving, during office hours, copies at the office of the person/entity being served with the person apparently in charge thereof.☐ **Posting:** By posting copies in a conspicuous manner to the front door of the person/entity being served.

**Non-Service:** After due search, careful inquiry and diligent attempts at the address(es) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s):

☐ **Unknown at Address** ☐ **Moved, Left no Forwarding** ☐ **Service Cancelled by Litigant** ☐ **Unable to Serve in Timely Fashion**  
☐ **Address Does Not Exist** ☐ **Other** \_\_\_\_\_

**Service Attempts:** Service was attempted on: (1) \_\_\_\_\_ (2) \_\_\_\_\_

DATE

TIME

DATE

TIME

(3) \_\_\_\_\_ (4) \_\_\_\_\_ (5) \_\_\_\_\_

DATE

TIME

DATE

TIME

DATE

TIME

**Description:** Age 35 Sex F Race ASIAN Height 5'5" Weight 110 Hair BLK Beard — Glasses —

SIGNATURE OF PROCESS SERVER

SUBSCRIBED AND SWORN to before me this 310 day of OCTOBER, 2013, by JOHN A GARBER  
 Proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

SIGNATURE OF NOTARY PUBLIC

NOTARY PUBLIC for the state of DELAWARE

AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for (name of individual and title, if any) Lumen View Technology, LLC  
 was received by me on (date) 9-24-13

☐ I personally served the summons on the individual at (place) \_\_\_\_\_  
 \_\_\_\_\_ on (date) \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with (name) \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on (date) \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☒ I served the summons on (name of individual) Darsey Bernabe, Person in charge, who is  
 designated by law to accept service of process on behalf of (name of organization) Lumen View Technology, LLC at  
113 Barksdale Pro. Newark, DE 19711 on (date) 9-24-13; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other (specify): \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \$187.50  
 \_\_\_\_\_ for services, for a total of \$ 0.00

I declare under penalty of perjury that this information is true.

Date: Sept. 30, 2013



\_\_\_\_\_  
 Server's signature

John Garber, Process Server

\_\_\_\_\_  
 Printed name and title

230 N. Market St, Wilmington DE 19801  
 \_\_\_\_\_  
 Server's address

Additional information regarding attempted service, etc:

JOSEPH S. LEVENTHAL, (SBN 221043)  
LEVENTHAL LAW FIRM, APC  
600 WEST BROADWAY, SUITE 700  
SAN DIEGO CA 92101  
619-356-3518  
Attorney for : FINDTHEBEST.COM, INC.

Ref. No. : 1226893-01  
Atty. File No.: FTB

USDC NYSD

PLAINTIFF : FINDTHEBEST.COM, INC.  
DEFENDANT : LUMEN VIEW TECHNOLOGY LLC, ET AL.

Case No.: 13CV6521

**PROOF OF SERVICE OF SUMMONS**

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the SUMMONS IN A CIVIL ACTION; PROOF OF SERVICE; JURY TRIAL DEMANDED;  
CIVIL COVER SHEET; ECF CASE; ELECTRONIC CASE FILING RULES &  
INSTRUCTION; INDIVIDUAL PRACTICES IN CIVIL CASES;  
NOTICE OF INITIAL PRETRIAL CONFERENCE
3. a. Party served : LUMEN VIEW TECHNOLOGY, LLC  
b. Person served : DARSEY BERNABE, PERSON IN CHARGE  
(PERSON AUTHORIZED TO ACCEPT SERVICE)
4. Address where the party was served 113 BARKSDALE PRO. CENTER  
NEWARK, DE 19711 (Business)
5. I served the party  
a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to  
receive service of process for the party (1) on September 24, 2013 (2) at: 01:13 PM
6. The "Notice to the person served" (on the summons) was completed as follows:  
c. on behalf of: LUMEN VIEW TECHNOLOGY, LLC  
under [xx] Other LIMITED LIABILITY COMPANY
7. **Person who served papers**  
a. JOHN GARBER  
b. KNOX ATTORNEY SERVICE  
2250 FOURTH AVENUE  
SAN DIEGO, CA 92101  
c. 619-233-9700  
d. Fee for service: \$187.50  
e. I am:  
(3) a registered California process server  
(i) an independent contractor  
(ii) Registration No.: 152  
(iii) County: San Diego

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: September 30, 2013

Signature: \_\_\_\_\_

JOHN GARBER



JOSEPH S. LEVENTHAL, (SBN 221043)  
LEVENTHAL LAW FIRM, APC  
600 WEST BROADWAY, SUITE 700  
SAN DIEGO CA 92101

619-356-3518

Attorney for : PLAINTIFF

Ref. No. : 1226893-01

Atty. File No. : FTB

USDC NYSD

PLAINTIFF : FINDTHEBEST.COM, INC.  
DEFENDANT : LUMEN VIEW TECHNOLOGY LLC, ET AL.

Case No.: 13CV6521

**DECLARATION OF MAILING**

RE: LUMEN VIEW TECHNOLOGY, LLC

I am a citizen of the United States and am employed in the County of San Diego, State of California. I am over 18 years of age and not a party to this action. My business address is  
**2250 FOURTH AVENUE, SAN DIEGO, CA 92101**

On September 27, 2013 I mailed the within documents:

SUMMONS IN A CIVIL ACTION; PROOF OF SERVICE; JURY TRIAL DEMANDED;  
CIVIL COVER SHEET; ECF CASE; ELECTRONIC CASE FILING RULES &  
INSTRUCTION; INDIVIDUAL PRACTICES IN CIVIL CASES;  
NOTICE OF INITIAL PRETRIAL CONFERENCE

On the party in said action, by mailing a true copy thereof (by First-class mail, postage prepaid), enclosed in a sealed envelope at the mail collection site at my place of employment, addressed to the following:

LUMEN VIEW TECHNOLOGY, LLC

113 BARKSDALE PRO. CENTER  
NEWARK, DE 19711

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 9/27/13 at SAN DIEGO, California.

Signature: \_\_\_\_\_

  
ANDREA L. TYO

**DECLARATION OF MAILING**

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York ☒

FINDTHEBEST.COM, INC.

*Plaintiff*

v.

LUMEN VIEW TECHNOLOGY, LLC, et. al

*Defendant*

)  
13 CIV 6521  
) Civil Action No.  
)  
)  
)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Lumen View Technology LLC, 113 Barksdale Professional Center, Newark  
Delaware 19711, County of New Castle

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Jeffrey K. Daman  
Daman & Associates, LLC  
1500 Walnut Street, 21st Floor  
Philadelphia, PA 19102

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

SEP 16 2013

Date: \_\_\_\_\_

RUBY J. KRAJICK  
CLERK OF COURT

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*